

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

VIVIAN BERT, et al. : Case No. C-1-02-467  
Plaintiffs, :  
: Judge Beckwith  
: Magistrate Judge Hogan  
v. :  
AK STEEL CORPORATION : **DECLARATION OF**  
: SUSAN LESTER  
Defendant. :  
:

Susan Lester truthfully declares that she is competent to testify if called and she further truthfully states of her own personal knowledge as follows:

1. I am the Manager – Human Resources for AK Steel Corporation’s Ashland Works. I have been employed by the Company since 1974 and in the manager of human resources position since 1993. I am in charge of recruiting and hiring for AK Steel’s Ashland Works.
2. AK Steel’s Ashland Works is a large manufacturing facility located in rural, eastern Kentucky.
3. AK Steel’s goal is to lead the industry in safety, quality and productivity. Its number one priority is safety. AK Steel is far and away the leader in the integrated steel industry in safety. AK Steel believes that a top flight hourly workforce is a key component to further its safety, quality and productivity goals. Both managers and the hourly workforce must be

knowledgeable and skilled and follow the Company's safety programs to achieve this enviable record.

4. AK Steel's Ashland Works hires directly into its laborer position. Laborers are assigned throughout the mill based upon production need and other employees' exercise of seniority rights under the collective bargaining agreement with the union. These entry level laborers must have a wide range of knowledge, skills and abilities to work in the many different areas to which they may be assigned or transferred. Under the collective bargaining agreement in effect during the relevant period, these laborers then advance to the many highly demanding, technical and complicated positions necessary for the production of steel based on their seniority rights, rather than based on their performance, skills or abilities. These "laborer" jobs are the safety sensitive entry level job for every job in the mill.

5. AK Steel, therefore, hires employees with the expectation that an individual must be able to succeed not only as an entry-level "laborer", but also in the many other safety sensitive, demanding, technical, skilled and leadership positions into which an individual is assigned pursuant to the seniority provisions of AK Steel's collective bargaining agreement with the union. The Company's hiring processes are designed to achieve this goal.

6. AK Steel utilized the Resource Associates' validated pre-employment test at its Ashland Works as part of a rigorous hiring procedure designed to obtain a top-flight hourly workforce.

7. Darrell Carter, Darlene Denise Carter, Marnie Carter, Kay Jackson and Timothy Oliphant all failed to qualify on the pre-employment test.

8. I now understand that Darrell Carter had a previous conviction for felonious assault and Timothy Oliphant had a criminal conviction for gross sexual imposition of a minor. Even had they passed the test, they would not have been hired absent a background check. I would not have hired them based on this criminal history, regardless of whether they qualified on the pre-employment exam.

9. I did not hire applicants who lied on or falsified their applications. I understand that Darrell Carter lied on his application about his criminal history. I understand that Timothy Oliphant lied on his resume about his employment history. Both of these individuals would have been disqualified from employment during the background check, even if they had qualified on the pre-employment exam.

I declare under penalty of perjury that the foregoing is true and accurate.

Signed this 14<sup>th</sup> day of January, 2008.

  
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Susan Lester